THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17744 OF 2007

Dated 21-08-2007

Between:

M/s Katakam Venkatramaiah Setty and Brothers …Petitioner

And

The Additional Commissioner and another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17744 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal, application for stay filed by the petitioner was dismissed by the competent authority. We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted, pending appeal, subject to deposit of 50 per cent of the disputed tax and 25 per cent of the penalty and interest. Therefore, we set aside the order of the authority and direct that 50 per cent of the disputed tax and 25 per cent of the penalty and interest shall be paid by the petitioner, within a period of six weeks. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. The amounts, if any, already paid by the petitioner towards the disputed amounts shall be given credit to while calculating the
50 per cent of the disputed tax and 25 per cent of the penalty and interest.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, J)

Dated 21st August, 2007

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(S.Ananda Reddy, J)

Note: Issue wire at party's cost
(b/o)
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